

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 25-10203

Caption: Michael Conrad, Plaintiff / Appellee V. Camping World Holdings, Inc., Defendant/Appellant	District and Division: Northern District of Alabama, Middle Division Name of Judge: Corey L. Maze Nature of Suit: Telephone Consumer protection Act, 47 USC 227, et seq. <hr/> Date Complaint Filed: February 12, 2024 District Court Docket Number: 4:24-cv-00171-CLM <hr/> Date Notice of Appeal Filed: January 22, 2025 <input type="checkbox"/> Cross Appeal <input checked="" type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Benjamin G. Shatz	Manatt, Phelps & Phillips LLP, 2049 Century Park E., #1700, Los Angeles CA 90067	310-312-4383 bshatz@manatt.com
For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Michael L. Greenwald	GREENWALD DAVIDSON RADBIL PLLC, 5550 Glades Road, Suite 500, Boca Raton, Florida 33431	(561) 826-5477 mgreenwald@gdrlawfir m.com

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input type="checkbox"/> Injunction <input checked="" type="checkbox"/> Other <u>Motion to Compel Arbitration</u>	Amount Sought by Plaintiff: \$ <u>\$500-\$1500 per alleged violation</u> Amount Sought by Defendant: \$ _____ Awarded: \$ _____ to _____ Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Granted <input type="checkbox"/> Preliminary <input type="checkbox"/> Denied <input type="checkbox"/> Permanent <input type="checkbox"/> Denied

Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☒ Yes ☐ No
 What is the issue you claim is one of First Impression? Whether limited arbitration discovery was mandated under Section 4 of the Federal Arbitration Act (9 USC 4)
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☐ Yes ☒ No
 If Yes, provide
 (a) Case Name/Statute _____
 (b) Citation _____
 (c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
 (a) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
 (b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No
 If Yes, provide
 (a) Case Name _____
 (b) Citation _____
 (c) Docket Number if unreported _____
 (d) Court or Agency _____
- (4) Will this appeal involve a conflict of law
 (a) Within the Eleventh Circuit? ☐ Yes ☒ No
 (b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Issue #1: Whether, under Section 4 of the Federal Arbitration Act (9 USC 4), the district court erred in not allowing limited arbitration discovery and not conducting an evidentiary hearing or trial on the disputed factual issue of contract formation prior to ruling on appellant's motion to compel arbitration.

Issue #2: Whether the district court erred determining whether the parties satisfied their respective evidentiary burdens when ruling on appellant's motion to compel arbitration.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND
 SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 4th DAY OF February, 2025.

Benjamin G. Shatz

NAME OF COUNSEL (Print)

/s/ Benjamin G. Shatz

SIGNATURE OF COUNSEL